

**MINUTES OF THE
UTAH CONSTITUTIONAL REVISION COMMISSION**
Thursday, September 2, 2004 – 1:00 p.m. – Room W125 House Building

Members Present:

Mr. Kevin J. Worthen, Chair
Judge Jon M. Memmott, Vice Chair
Rep. Scott Daniels
Sen. Mike Dmitrich
Chief Justice Christine Durham
Sen. David L. Gladwell
Mr. Kermit Hall
Mr. Morris D. Linton
Dr. Michael Petersen
Mr. Robin Riggs

Members Absent:

Mr. Michael E. Christensen
Rep. Greg J. Curtis
Mr. Byron L. Harward
Speaker Martin R. Stephens
Ms. Kristine Strachan
Sen. John L. Valentine

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.le.utah.gov or by contacting the commission secretary, Cassandra Bauman, at 538-1032. A recording of the meeting may also be available from the commission secretary.

1. Commission Business

Chair Worthen called the meeting to order at 1:13 p.m.

MOTION: Chief Justice Durham moved to approve the minutes of the July 8, 2004 meeting. The motion passed unanimously.

2. Article VII, Section 2, Vacancy in Office of Governor

Mr. Rees distributed and reviewed "Resolution Revising Gubernatorial Succession Provisions."

Mr. Riggs expressed his opinion that the Lieutenant Governor is elected with the idea that if a vacancy occurs in the office of Governor, that the Lieutenant Governor would advance to the Governor position. He indicated preference for the option to allow the Lieutenant Governor to become Governor and serve the remainder of the 4-year term.

MOTION: Mr. Riggs moved to direct staff to draft legislation allowing the Lieutenant Governor to become Governor for the remainder of the 4-year elected term except in the case of temporary disability. The motion passed unanimously.

Mr. Rees distributed and reviewed "Draft of Changes to Governor's Appointment Power For Vacancy in Office of Lieutenant Governor."

Mr. Hall indicated that the House of Representatives is a more populated body with a greater distribution throughout the state and should have a part in confirming an appointed Lieutenant Governor.

Mr. Petersen concurred that the entire Legislature is justified in confirming the appointment because an individual may succeed to the office of governor without being elected.

MOTION: Mr. Hall moved to include the draft language Mr. Rees distributed allowing that the House of Representatives and the Senate confirm the appointment. The motion passed unanimously.

Mr. Linton questioned what time frame, if any, should be placed on the appointment and confirmation process. The Commission discussed the time frame for the process of appointing a Lieutenant Governor. The consensus was that the appointment be made quickly.

Rep. Daniels indicated that the Legislature needs to have a reasonable amount of time to convene into a confirmation session after the Governor appoints a potential Lieutenant Governor. He indicated that if there is a time limit on the Governor to make an appointment, that it be short and allow more time for the Legislature to convene its members.

Mr. Hall expressed concern for setting a time frame on appointment of a successor for the Lieutenant Governor and indicated that the current situation was expedited quickly and with minimal political dispute. He requested that staff research whether any other state has a time frame on gubernatorial succession.

Mr. Tom Roberts, Attorney General's Office, questioned whether an Independent Governor or Lieutenant Governor would be required to appoint another Independent individual being that the affiliation of an Independent individual is not with a political party.

Mr. Petersen expressed approval of the language concerning temporary disability of the Governor.

MOTION: Mr. Hall moved to adopt the language for temporary disability of the Governor that was distributed. The motion passed unanimously with Sen. Gladwell absent for the vote.

The Commission discussed whether to amend the provision that allows for further succession of the office of Governor to the President of the Senate and Speaker of the House of Representatives. The Commission discussed whether separate scenarios for a temporary and a permanent disability should be established.

3. Recall of Elected Officials

Mr. Rees distributed and reviewed "Utah Constitution Provisions on Impeachment" and draft legislation "Resolution Clarifying Removal Provisions." He responded to questions.

Rep. David Hogue explained that he had introduced legislation in the 2004 General Session to change the Utah Constitution to allow recall of state officials. He indicated that this draft legislation will clarify who is subject to removal and allow the Legislature to place in statute the process for removing a state official. He indicated that he feels comfortable proposing statutory language to accomplish the removal process along with a constitutional resolution that will clarify the removal of officers. He responded to questions.

Rep. Daniels clarified that the legislation would, in effect, allow the Legislature to set up a process for removing a local official from office for reasons other than high crimes, misdemeanors, or malfeasance in office.

Mr. Hall indicated that the legislation would subject local officials to more scrutiny than state officials. He suggested that language should be drafted specifically stating that local officials are subject to removal by a recall process established by the Legislature.

4. Article IX, Legislative Apportionment

Mr. Howe distributed "CRC Redistricting Study." He explained the options which the Commission has studied over the last 3 years.

The Commission decided to postpone this study item until it is brought back by an interested party.

5. Other Items / Adjourn

The next meeting is scheduled for Thursday, November 4, 2004 at 1:00 p.m.

MOTION: Mr. Hall moved to adjourn the meeting. The motion passed unanimously with Sen. Gladwell and Mr. Riggs absent for the vote.

Chair Worthen adjourned the meeting at 3:27 p.m.